

**REMARKS**

Claims 1–10, 12-41, and 43-55 are currently pending and are now presented for examination. Claims 11 and 42 have been canceled without prejudice and without disclaimer of subject matter. Claims 1, 22, 31, 40, 52, and 54 have been amended. No new matter has been added.

Claims 1, 22, 31, 40 and 52 are independent.

On page 2 of the Office Action, Claims 11, 22, and 54 are objected to on the grounds that the claims state “said detector.” As an initial matter, Claim 11 has been canceled, rendering the rejection to this claim moot. As suggested by the Examiner, Claims 22 and 54 have been amended to recite “said motion detector.” Applicants believe the amendments to Claims 22 and 54 obviate the objections and Applicants therefore respectfully request that these objections be withdrawn.

**Claim Rejections under 35 USC §102**

On page 2 of the Office Action, Claims 1, 3-5, 7-10, 21, 31-33, 35-41, 51-53 and 55 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,215,519 to Nayar *et al.* (“Nayar”). Applicants respectfully assert that Nayar does not teach or suggest Applicants’ claimed invention.

**Independent Claim 1**

A feature of amended independent Claim 1 is that the claimed invention operates to track multiple objects and “record a varying number of images per second based on the nature of the video activity.” In accordance with amended Claim 1, the motion detector commands the recording device to record a number of images. The number of images to be recorded varies,

depending on the nature of the activity. *See*, for example, Paragraph [0036]. This feature advantageously provides improved use of limited image storage. In contrast to Applicant's amended Claim 1, Nayar discloses merely "generating a series of images frames at predetermined time intervals." Nayar, col. 5, ll. 3-4. Nayar does not teach tracking multiple objects and varying the image recording rate according to the nature of the video activity. Applicant respectfully asserts that amended Claim 1 is patentable over Nayar for at least this reason, and respectfully requests that this rejection be withdrawn.

Applicants note that page 3 of the Office Action states that it would be inherent that Nayar does not perform the visual perception algorithm of color space correction since the motion detection is performed on separate color channels (red, green, blue), and not on a YUV signal. Applicant respectfully disagrees. Another feature of Claim 1 recites a motion detector that monitors "said video data ... without application of at least one visual perception algorithm to said video data." Nayar does not teach this feature of Claim 1.

In the present invention as recited in independent Claim 1, the motion detector monitors the raw video data without application of any well-known visual perception algorithms conventionally applied to facilitate human visual perception on a display. Omitting such algorithms allows for relatively simple detector electronics, e.g., detectors with lower image resolution, and lower system costs, as data does not have to be processed for human visual perception. Given that the resolution required for the motion detector's imager to achieve acceptable motion detection is much less than the resolution required for object recognition, the imager may be a low resolution, standard density, low-cost imager. In striking contrast, Nayar discloses that images captured by the motion detector are processed through an image processing

unit before they are displayed. Nayar, col. 7, ll. 51-59. In addition, Nayar discloses an operator stationed at a monitoring station to observe the images and select a region to get a better view if desired. Nayar, col. 7, ll. 34-38. Nayar maps the image data in order to produce a perspective image, making it easier for a human operator to interpret the image being displayed. Nayar, col. 7, ll. 51-59. Nayar **must** use some data correction to facilitate human visual perception since Nayar's images are processed for viewing by an operator which presumably also includes the ability for an operator to recognize objects in the image. Nayar, col. 7, ll. 51-59. Therefore Nayar can not operate in the manner suggested by the Office Action and simply does not teach that the monitoring is done "without application of at least one visual perception algorithm." For at least this reason, Claim 1 is believed patentable over Nayar and the withdrawal of the rejection of this claim is requested.

Independent Claims 31, 40, and 52

Independent Claims 31, 40 and 52 have been amended to include the feature of recording the multiple tracked objects at "a varying number of images per second based on the nature of the video activity", as is also recited in independent Claim 1. Claims 31, 40 and 52 are believed patentable for at least the same reasons discussed above with respect to Claim 1. As such, the withdrawal of the rejection of these claims is respectfully requested.

Dependent Claims 3-5, 7-10, 21, 32-33, 35-39, 41, 51, 53, and 55

Claims 3-5, 7-10, 21, 32-33, 35-39, 41, 51, 53, and 55 depend directly or indirectly from independent Claims 1, 31, 40 and 52. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. These claims are therefore believed patentable. However, the

individual reconsideration of the patentability of these claims on their own merits is respectfully requested.

**Claim Rejections under 35 USC §103**

Dependent Claims 2, 6 and 34

On page 5 of the Office Action, Claims 2, 6 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nayar in view of U.S. Patent No. 6,830,388 to Kajino *et al* (“Kajino”).

Claims 2, 6 and 34 each depend directly from one or another of independent Claim 1 and 31, discussed above. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. Claims 2, 6 and 34 are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Claims 11-20, 22, 24-25, 27-30, 42-50 and 54

On page 6 of the Office Action, Claims 11-20, 22, 24-25, 27-30, 42-50 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nayar as applied to Claim 1, in view of U.S. Patent Application Publication 2005/0134685 A1 to Egnal *et al* (“Egnal”). Applicants respectfully assert that neither Nayar nor Egnal, whether considered alone or in combination, teach or suggest the features of these claims. As an initial matter, the Office Action states that Nayar does not teach all the features of Claims 11-20, 22, 24-25, 27-30, 42-50 and 54. Applicants agree. Egnal also does not teach all the features of Claims 11-20, 22, 24-25, 27-30, 42-50 and 54.

Independent Claim 22

Amended independent Claim 22 includes the feature of tracking multiple objects and operating to “record a varying number of images per second based on the nature of the video activity.” As discussed above with respect to Claim 1, this feature is not taught or suggested by Nayar. Further, Egnal does not teach this feature.

Egnal discloses a video surveillance system comprising a first and a second sensing unit. See Abstract. In Egnal, the first sensing unit provides information about a position to the second sensing unit so that the second sensing unit can obtain a higher resolution image. Egnal, Paragraph [0005] and [0006]. In Egnal, one camera detects a target and the other camera obtains high resolution images of the target. Egnal, Paragraph [0040]. Nowhere in Egnal is there any mention of recording a varying number of images per second based on the nature of the activity. Applicants respectfully assert that the features of Claim 22 are not taught or suggested by Nayar or Egnal, whether considered alone or in combination. Applicants assert that independent Claim 22 is patentable over the prior art and requests that the rejection to this claim be withdrawn.

Dependent Claims 11-20, 24-25, 27-30, 42-50 and 54

As an initial matter, Claims 11, and 42 have been canceled, thereby rendering the rejections to these claims moot. Claims 12-20, 24-25, 27-30, 43-50 and 54 are each dependent either directly or indirectly from one or another of independent Claims 1, 22, 40 and 52, discussed above. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. Claims 12-20, 24-25, 27-30, 43-50 and 54 are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Dependent Claims 23 and 26

On page 13 of the Office Action, Claims 23 and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nayar and Egnal, in view of Kajino. Applicant respectfully asserts that none of the cited art, whether considered alone or in combination teach or suggest the features of Claims 23 and 26. These claims are each dependent on independent Claim 22, discussed above, and recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. Claims 23 and 26 are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Conclusion

For all of the above reasons, the claim objections are believed to have been overcome placing Claims 1-10, 12-41, 43-55 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

Of note, Applicant's undersigned representative is registered to practice before the United States Patent & Trademark Office. In accordance with 37 C.F.R. § 1.34 and M.P.E.P. § 405, the signature of Applicant's undersigned representative is representation that he is authorized to represent Applicant and the assignee on whose behalf he is acting.

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 502104.

Date: August 11, 2008

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